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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

INCOME TAX REFERENCE NO. 111 OF 1989
WITH
INCOME TAX REFERENCE NO. 134 OF 1988

The Commissioner of Income Tax ... Applicant

Versus

M/s. Stovec Screens India Pvt. Ltd. Bombay. ... Respondents

Mr. Ashok Kotangale for Applicant.

Mr. J.D. Mistry with Ms.Toral Shah i/by Tyabji Dayabhai for Respondents.

CORAM: F.I. REBELLO &
J.P.DEVADHAR, JJ.
DATED: JULY 25, 2007

P.C.:

. The following question was referred in both the References :

"Whether on the facts and in the circumstances of the case, the perforated nickel rotary screens manufactured by the assessee in its factory can be regarded as "Industrial machinery" within the meaning of Item No. 8 of the 9th Schedule to the Income tax Act, 1961 to entitle the assessee to get initial depreciation in respect of its plant and machinery in its factory under section 32(1)(iv) of the Income tax Act, 1961?"

. The tax incident in both the cases is less than four lakhs. In the light of that reference returned as unanswered.

(J.P.DEVADHAR, J.) **(F.I.REBELLO, J.)**